

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAVIER RODRIGUEZ,

Plaintiff,

v.

KILOLO KIJAKAZI,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

No. 1:21-CV-00192 (GSA)

**STIPULATION AND ORDER FOR  
AWARD AND PAYMENT OF  
ATTORNEYS FEES PURSUANT TO THE  
EQUAL ACCESS TO JUSTICE ACT (28  
U.S.C. §2412(d))**

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, subject to the approval of the Court, that Javier Rodriguez (“Plaintiff”) be awarded attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in the amount of five thousand seven hundred and thirty-two dollars and eighteen cents (\$5,732.18). This represents compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §2412 (d).

After the Court issues an Order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the attorney fees are subject to any offset allowed under the United States Department of the Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will determine whether they are subject to any offset.

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
2 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the  
3 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively  
4 "Plaintiff's counsel"), pursuant to the assignment executed by Plaintiff. Any and all payments  
5 made shall be delivered to Plaintiff's counsel.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
7 attorney fees and does not constitute an admission of liability on the part of Defendant under  
8 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any  
9 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees  
10 and expenses in connection with this action.

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17 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
18 Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

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20  
21 Dated: June 14, 2022

Respectfully submitted,

NEWEL LAW

22 By: Melissa Newel

23 Melissa Newel  
24 Attorney for Plaintiff  
JAVIER RODRIGUEZ

25  
26 Dated: June 14, 2022

PHILLIP A. TALBERT  
United States Attorney  
PETE THOMPSON  
Acting Regional Chief Counsel, Region IX

Social Security Administration

By: Oscar Gonzalez\*  
OSCAR GONZALEZ  
(\*Authorized by email dated 06/13/2022)  
Special Assistant U.S. Attorney  
Attorneys for Defendant

**ORDER**

IT IS HEREBY ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d), attorney fees in the amount of **five thousand seven hundred and thirty-two dollars and eighteen cents (\$5,732.18)** be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: **June 14, 2022**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE